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Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.05 p.m.

STATEMENT BY THE DIRECTOR-GENERAL OF HUMAN RIGHTS AT THE COUNCIL OF EUROPE

1. Mr. IMBERT (Council of Europe) said there had been two main human rights events for the Council of Europe in the past year: the European Ministerial Conference on Human Rights, held in November 2000 on the occasion of the fiftieth anniversary of the European Convention on Human Rights, and a few weeks previously, the European Conference against Racism, the European contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

2. Some 800 million people currently enjoyed the protection of the European Convention on Human Rights, but that welcome development also posed certain problems. The control system had to cope with increasing numbers of individual applications, and that had caused the European Ministerial Conference to invite the States parties to do more to ensure that the rights guaranteed by the Convention were more effectively protected at the national level. The Ministerial Conference had also called for urgent consideration of more fundamental changes to the control system.

3. The Council welcomed the recently proclaimed Charter of Fundamental Rights of the European Union as a potentially important step for the protection of human rights. The Charter's adoption had given a new dimension to the question of the Union's accession to the European Convention on Human Rights. It was important to ensure coherence between the various human rights standards and systems in Europe.

4. The European Social Charter would be celebrating its fortieth anniversary in October 2001, and an undertaking to ratify it within a reasonable time was a political condition for accession to the Council of Europe. There was still a wide gap, however, between recognizing the indivisibility of all human rights and giving concrete effect to the principle. The new collective complaints procedure under the European Social Charter clearly showed that social rights could be protected through a complaints-based control mechanism. To date, 11 States had accepted it, and 10 complaints had been filed, covering issues such as child labour, just working conditions, health and safety at work and the right to organize.

5. The Committee established by the European Convention for the Prevention of Torture had been the first international body to be granted access to all places of deprivation of liberty which it wished to visit and to all persons it wished to interview during a visit in November 2000 to the Transnistrian region of Moldova. Following up two visits to the North Caucasian region of the Russian Federation, a delegation of the Committee had paid another visit to that region in March 2001. Since July 2000, the Committee had made two visits to Turkey, the most recent, in December 2000 and January 2001, having taken place at the invitation of the Turkish Government in the context of hunger strikes in protest against plans to introduce smaller living units for prisoners. The Committee had also been engaged in an exchange of letters with the International Criminal Tribunal for the Former Yugoslavia regarding the monitoring by the Committee of the conditions of imprisonment and treatment of persons convicted by the Tribunal.

6. Protecting the rights of minorities was a matter of continuing concern for the Council, and was clearly essential to stability, democratic security and peace. The protection of minority rights must be fully recognized as an integral part of the international protection of human rights. The Framework Convention for the Protection of National Minorities, already covering 33 States, was still the only legally binding international standard-setting instrument in that field. Its monitoring mechanism had become fully operational, with an advisory committee of 18 independent experts examining the first series of State reports and having adopted its first seven country-specific opinions. The Council intended to participate in the 2001 meeting of the Sub-Commission's Working Group on Minorities.

7. The Council's work in fighting racism extended well beyond the human rights mechanisms, covering such matters as social and educational policies, legal cooperation and immigration issues. The main work was carried out by the European Commission against Racism and Intolerance (ECRI), an independent expert body, which had recently adopted general policy recommendations to all member States on combating intolerance and discrimination against Muslims and on the dissemination of racist, xenophobic and anti-Semitic material via the Internet. The texts of the European Conference against Racism had been forwarded as Europe's contribution to the Preparatory Committee for the World Conference. The Council hoped that the World Conference would generate a decisive momentum towards the eradication of racism, and called on all delegations to cooperate in order to ensure its success. While the pain and suffering caused in the past could not be forgotten, it was vital to concentrate on looking to the future.

8. In May 2000, the Committee of Ministers of the Council of Europe had adopted a recommendation to member States on action against trafficking in human beings for the purpose of sexual exploitation. A seminar on action against trafficking in south-eastern Europe had been held in Athens at the end of June 2000 in partnership with the Office of the High Commissioner for Human Rights (OHCHR) and other organizations. Elements for a regional action plan against trafficking had been adopted, and the Council had prepared a compilation of main legal texts dealing with the subject at the international, regional and national levels. The next European Ministerial Conference on equality between men and women would be devoted to the participation of women in conflict prevention and peace-building.

9. The situation in Chechnya was a matter of continuing grave concern to the Council, which considered that a solution to the conflict could be achieved only through political means, not through violence. Of particular concern were the recurring reports of indiscriminate killings of civilians, disappearances and other human rights violations. The overall security and humanitarian situation remained extremely precarious. Three Council experts were working in the field with the Office of the Special Representative of the President of the Russian Federation responsible for ensuring respect for human rights and fundamental freedoms in the Republic of Chechnya. While that Office had been able to make a contribution to the release of detainees and the tracing of missing persons, there was a clear need for rapid and substantial progress in investigations by military and civil prosecutors into serious human rights violations and in bringing those responsible to justice.

10. In March 2001, the Council's Commissioner for Human Rights had once again visited Chechnya, and his report showed that very few of the complaints transmitted to the Government procurators had so far received an adequate response. His report had underlined that it was important to put an end to the current climate of impunity surrounding the crimes committed. The European Ministerial Conference had called on the Council to give consideration to the question of the protection of human rights during armed conflict and internal disturbances and tensions, and that work would clearly draw on the many activities of the United Nations in that area. In that respect, the Council was looking forward to the Human Rights Committee's general comment on article 4 of the International Covenant on Civil and Political Rights.

11. The Council also had human rights field offices in Bosnia and Herzegovina, Kosovo, Montenegro and Albania, and had recently opened an office in Belgrade. Its work in Yugoslavia, built on cooperation with locally active non-governmental organizations (NGOs), and its contact with the Belgrade authorities regularly involved the question of cooperation with the International Criminal Tribunal in the Hague.

12. As for its standard-setting work, the Council was pleased to announce that 26 of its member States had so far signed the new Protocol No. 12 to the European Convention on Human Rights, which provided for the general prohibition of discrimination. Further standards were being drawn up, including a possible new protocol abolishing the death penalty for crimes committed in time of war or imminent threat of war, the adoption of which would undoubtedly help to further the total abolition of the death penalty.

13. Finally, he expressed the Council's deep appreciation of the tireless efforts of the High Commissioner in advancing the cause of human rights worldwide, and said that it had been shocked to hear of her decision not to seek a second term. He hoped her decision would produce a reassessment of the still extremely modest place of human rights activities within the United Nations.

STATEMENT BY THE MINISTER OF HUMAN RIGHTS, INSTITUTIONAL REFORMS AND RELATIONS WITH THE NATIONAL ASSEMBLY OF BURUNDI

14. Mr. NINDORERA (Burundi), having paid tribute to the High Commissioner who had done much to advance the cause of human rights, said that, when he had addressed the Commission at its fifty-sixth session, he had thought that he was doing so for the last time, since the prospects of a peace agreement in his country were genuine and a new Government of national unity was confidently expected. In fact, significant progress had been made, and 19 parties had signed an agreement on peace and reconciliation. However, two questions remained to be settled: that of the ceasefire and that of the establishment of transition institutions.

15. The Forces de Défense de la Démocratie (FDD) and the Forces Nationales de Libération (FNL) armed groups had still not embraced the Arusha negotiations or acceded to the Arusha Peace Accord. Those armed groups had, in fact, opted to intensify the violence against the civilian population. They had strengthened their alliance with the Interahamwe and the former members of the Rwandan armed forces which had committed genocide in Rwanda. Their acts of

violence, which should be condemned by the international community, were all the more unacceptable because the Arusha Peace Accord had been concluded between parties which included the Conseil National pour la Défense de la Démocratie (CNDD) and the Partie pour la Libération du Peuple Hutu (PALIPEHUTU) of which the FNL and FDD were, respectively, the armed wings.

16. In the face of their refusal to negotiate a ceasefire and their continued killings of innocent people, the Government had no choice but to fight them as enemies of peace and of the Burundian people. The next regional summit on the peace process would deal with the question of what direct or indirect measures of coercion should be taken against the armed groups and their allies, and should decide on specific courses of action to be taken urgently.

17. Burundi had established an International Judicial Inquiry Commission and a National Truth and Reconciliation Commission, but neither could usefully function in a context of violence. A ceasefire agreement was a precondition for the defence and security measures and reforms envisaged in the Arusha Accord. The repatriation and reintegration of refugees could not take place while fighting was still going on, and genuine reconstruction could not begin. The lack of security jeopardized the encouraging results which had emerged from the donors' conference held in Paris in December 2000. Even the progress made in the field of human rights was likely to be cancelled out because of the continuing violence.

18. Over the past year, his Government had been implementing its new Code of Criminal Procedure, which had had some successes but whose weaknesses had also become clear. Arbitrary and excessive use of pre-trial detention had been reduced; there had been better provision of the right of legal defence and the number of lawyers had been considerably increased; there had been conditional discharges from prisons; seminars and workshops had been organized on human rights, the rights of the child and women's rights; there was open discussion of questions such as the exercise of public freedoms in a civil war context; a governmental human rights commission had been established; the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the African Charter on the Rights and Welfare of the Child and the Protocol Relating to the Establishment of the African Court on Human and Peoples' Rights had been ratified; international commitments had been met under the African Charter on Human and Peoples' Rights, the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women; and a permanent body had been set up for the protection of displaced persons.

19. However, there had been constraints and difficulties, among them the intensification of violence by the armed groups; an ethnic bias in the approach to human rights; poverty, famine, malaria and HIV/AIDS; inadequate resources for policing and administering justice; the slowness of the legal process; prison conditions; cases of torture in police cells; the increasing number of street children and internally displaced persons; and corruption among State officials and law-enforcement agents.

20. His own Ministry and other departments were engaged in a joint effort to create a new impetus within government circles and to encourage civil society in general and human rights organizations in particular to play their full part. Nevertheless, there could be no real progress in the human rights field in Burundi without an end to the civil war.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2001/3, 7, 27-30, 108-114, 118, 121, 130, 133, 136 and 142; E/CN.4/2001/NGO/7, 18, 53, 74, 118 and 149; E/2000/112-E/CN.4/S-5/5 and Add.1; E/CN.4/S-5/3)

21. Mr. LITTMAN (World Union for Progressive Judaism), recalling that in a statement to the Commission 10 years previously he had spoken of the leaders of the first intifada deliberately inciting children to violence and using them in armed conflicts, in contravention of article 38 of the Convention on the Rights of the Child, said that nothing had changed in the second intifada. A major cause of the criminal manipulation of Palestinian children was the systematic misuse of education by the Palestinian Authority. Very young children were being indoctrinated by teachers to prepare for the jihad, including praise of suicide bombings.

22. His organization urgently called upon the Commission, the European Union, UNESCO, the International Committee of the Red Cross (ICRC) and Switzerland, the depositary State of the various Conventions concerned, to begin inquiries into the grave abuses of the Palestinian Authority education system. The Commission should act to put an end to hate teaching in Palestinian schools and to the criminal use of children in conflicts.

23. Ms. LAMBERT (Center for Economic and Social Rights) said that the refusal of Israel to apply the principles of human rights and humanitarian law to its conduct in the occupied Palestinian territories was a fundamental challenge to the credibility of the United Nations, and the Commission must develop effective measures to establish the rule of international law in those territories. The Human Rights Inquiry Commission established pursuant to Commission resolution S-5/1 of 19 October 2000 had urged "the organs of the United Nations" to "rehabilitate their reputation" through decisive "follow-up action". That should be the Commission's top priority at its current session.

24. Her organization thus urged the Commission to take the following steps: declare that the root cause of the conflict was Israel's continued occupation, confiscation of land, water and other resources, and construction of settlements; call upon Israel to take immediate and effective measures to end its occupation and cease violating human rights and humanitarian law; request the General Assembly to support the call to reconvene the High Contracting Parties to the Fourth Geneva Convention; request the Secretary-General to carry out an analytical study relating to issues concerning the compensation of victims of violations of human rights and humanitarian law; request the Security Council to consider the establishment of an effective international protection force to safeguard the rights of Palestinian civilians; and decide to establish an effective international mechanism to undertake on-site monitoring and reporting of violations of human rights and grave breaches of international humanitarian law by all parties.

25. Mr. ISSA (International Federation of Human Rights Leagues) said that the Federation and its member organization in Palestine, the Palestinian Society for the Protection of Human Rights and the Environment (LAW), were concerned at the escalating violence against Palestinians on the part of Israeli forces and settlers and the increasingly repressive forms of collective punishment, and other policies and practices designed to cripple the Palestinian economy. Violations of the Fourth Geneva Convention continued, and the perpetrators had either not been properly investigated or prosecuted or had enjoyed complete impunity.

26. There were many cases of disproportionate use of force against unarmed Palestinian civilians who posed no threat but who were directly targeted and killed or injured. Most of the non-peaceful demonstrators who had been killed had simply been throwing stones, but heavy weaponry and live ammunition were used against them, usually without prior notice. Children suffered disproportionately and clearly marked medical personnel and ambulances had been deliberately attacked. Israeli settlers continued to pose a threat to Palestinians, and the settlements were used to launch attacks. Extrajudicial killings had become a regular feature of Israeli policy.

27. His organization called on the Commission and the international community to send an international protection force to the occupied territories, send effective international humanitarian assistance to the area, reconvene the adjourned conference of the High Contracting Parties to the Fourth Geneva Convention, and monitor and follow up implementation of the resolution adopted at its fifth special session, the recommendations of the High Commissioner and the report of the Human Rights Inquiry Commission, as well as to request visits by the various special rapporteurs, none of which had so far taken place.

28. Ms. DOSWALD-BECK (International Commission of Jurists) said that her organization was deeply concerned at the appalling situation in Israel and the occupied Palestinian territories. The Fourth Geneva Convention continued to apply throughout the territories that Israel had controlled since 1967. Certain security measures might legitimately be taken under the Convention, but they must be in accordance with international law. In any case, it was doubtful whether the law relating to the conduct of hostilities in armed conflict was the correct yardstick for dealing with the violence, since the Convention was aimed at limiting the action that could be taken against persons and property in occupied territory. It would therefore be more consistent for security measures to be in conformity with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

29. Another cause for concern was the Israeli's Government policy of carrying out extrajudicial killings of those considered a threat. Such a policy was a grave violation of the Convention. Moreover, the International Covenant on Civil and Political Rights provided that no derogation to the right to life might be made when a state of emergency was declared. Perpetrators of illegal violence should be brought to justice in accordance with the rules of due process. The Palestine Authority, too, should bring to trial persons guilty of killing civilians and should ensure that such trials were fair. It should also abandon the death penalty. The provisions of the Convention relating to the free passage of food, relief and medical care, the care of children, access to legal counsel and the ban on the destruction of property were also being violated. Her organization welcomed the announcement that a national commission for human rights in Israel was at an advanced stage of planning.

30. Ms. LUPING (Cairo Institute for Human Rights Studies) said that all States Members of the United Nations, other than Israel, recognized that the Fourth Geneva Convention applied to the occupied territories and constituted binding international humanitarian law. The international community was fully aware of the gross violations of international law that continued to be perpetrated by Israel. The State Department report of the United States Government, for example, cited official Israeli statements that firearms had been used by

Palestinians in 30 per cent of demonstrations, from which it followed that in 70 per cent they had not. A number of deaths and injuries had occurred during demonstrations at which protestors had not used live firearms. The report also referred to the variety of means used to disperse demonstrators, including rubber-coated metal bullets and live ammunition, adding that live fire had been used in cases where the lives of soldiers, police or civilians had not been in imminent danger. The report had confirmed that Israeli forces had shelled Palestinian institutions and civilian areas in retaliation for individual Palestinian attacks on Israeli civilians or settlers. Such bombing of civilian areas was, in yet another breach of the Fourth Geneva Convention, a form of collective punishment. Meanwhile, Israeli settlers who had harassed, attacked and occasionally killed Palestinians in the occupied territories, as well as damaging property, generally escaped prosecution.

31. Israel's Ministry of Finance was cited as estimating that, since the beginning of the intifada, there had been a 30 to 50 per cent decline in economic output in the occupied territories. Unemployment of Palestinians had nearly quadrupled, the poverty rate had doubled and the loss of income was estimated at US$ 500 million. Within Israel itself, the report stated that police had failed to protect Arab lives and property attacked by Jewish citizens. Moreover, the Government had made little headway in reducing institutionalized discrimination against Israel's Christian, Muslim and Druze citizens. Israel's military and political commanders had created a humanitarian crisis in which Palestinians felt increasingly desperate, as evidenced by the recent return of suicide bombers.

32. The lives of Jewish women and children were endangered when they were settled in illegal militarized settlements, as the recent tragic death of a Jewish Israeli child in Hebron showed. Words of condemnation from the international community had failed to secure peace. Strong, effective steps must be taken, including sanctions, embargoes and the immediate deployment of an international peacekeeping force.

33. Ms. ZERRIFFI (Palestinian Centre for Human Rights) said that the roots of the crisis extended deeper than the current intifada: Israel's continued occupation of the Arab territories and its violations of international human rights and humanitarian law had created an explosive situation that had been ignited by the provocative visit of the current Prime Minister to the Haram al-Sharif. Over the past few months, Israeli actions had become more extreme and had included the use of heavy weaponry against unarmed demonstrators throwing stones and the bombing of Palestinian residential areas. There had also been a policy of extrajudicial killings: since 9 November 2000, at least 10 Palestinian leaders had been assassinated.

34. Israel also continued to establish and maintain settlements in the occupied territories, which not only violated the Fourth Geneva Convention but also created a fait accompli in advance of final status negotiations. It was part of a larger policy of population transfer designed to replace the Palestinian population with an Israeli one. In 2000, the Israeli authorities had demolished 223 Palestinian-owned buildings in the West Bank (including occupied East Jerusalem) and the Gaza Strip.

35. The closure policy, which had been imposed with unprecedented severity, not only constituted collective punishment but had also imposed a stranglehold on the territories. The Palestinians had suffered social and economic suffocation, with restrictions on their freedom of movement, freedom of religion, access to medical facilities and access to education.

36. Her organization called on the Government of Israel to observe the Fourth Geneva Convention and to meet its international obligations. Meanwhile, the Commission should urge the international community to send an international protection force and to reconvene the adjourned Conference of High Contracting Parties to the Fourth Geneva Convention in order to put pressure on Israel to implement the Convention.

37. Ms. CARCAÑO (Women's International Democratic Federation) said her organization sympathized with the Palestinian people and condemned the acts of violence that had caused suffering and sorrow to a multitude of victims, particularly children. The Israeli armed forces should withdraw immediately from the esplanade of the mosques in Jerusalem and from around the cities of the West Bank and Gaza. Israel should implement Security Council resolutions 242 and 338 and the international community should take action to ensure respect for the rights of the Palestinian people and the cessation of all violence. Only thus would a lasting peace be achieved.

38. Mr. SAFI (International Islamic Federation of Student Organizations) said that, since September 2000, 3 million civilians in the West Bank and Gaza had been living under a siege imposed by the Israeli military occupation. All movement of people and goods was restricted and food, fuel and other basic necessities were running short. The World Food Programme (WFP) was currently distributing flour in Gaza. Poverty levels had doubled in five months. The siege had caused more than $2 billion in losses to the Palestinian economy and unemployment levels had soared to 48 per cent.

39. Up to 200,000 Israeli settlers, on the other hand, moved freely in and out of the West Bank and Gaza. Their settlements were supplied with food and all other necessities. At its fifty-sixth session, the Commission had called on Israel to end its human rights violations, but the cold-blooded murder of children, the plight of Palestinian refugees and Israeli intransigence demanded punitive action and not just another condemnatory resolution.

40. Mr. AL-ZULOF (Defence for Children International) said that one of the tragedies of recent months had been the international community's silent complicity with the Israeli war against Palestinian children, characterized by endless condemnations but little practical action. The reality was a simple one: the Palestinian people had an undisputed right to self-determination and Palestinian refugees had the right to return to their homes and land. That must be the starting point of all international initiatives. Enforcement would be required, however, otherwise Israel would continue to flout United Nations resolutions and international law.

41. In the first place an internationally endorsed boycott should be adopted. The boycott should extend to trade with, investment in or travel to Israel and should include countries such as the United States which supported Israel financially and militarily and military hardware companies that supplied Israel. Secondly, the international community should send a temporary

protection force. Thirdly, an international tribunal should be established for the purpose of prosecuting those responsible for serious violations of international humanitarian and human rights law in the West Bank, Gaza Strip and Jerusalem after 29 September 2000.

42. Ms. ROBERT (Médecins du Monde) said that her organization, which had been active in Palestine since 1994, had in September 2000 launched an emergency programme to support Palestinian hospitals treating those injured in the confrontations. It had also carried out a survey of 96 injured people in a variety of hospitals in six towns. Its findings were, first, that the services had been overloaded and that non-urgent surgery had had to be postponed; that the curtailment of the hospital staff's freedom of movement as a result of the closures imposed by the Israeli military authorities had heavily disrupted the health services and that the ambulances provided by the Palestinian Red Crescent regularly came under fire and had therefore been unable to play their full role. The repeated violation of the principle of the neutrality of medical services had gravely affected the quality of care provided to the victims of the confrontations.

43. Nearly all the 96 victims in the survey had been injured by live bullets from the 5.56 mm calibre light firearms used by the Israeli armed forces. They were mostly young, 68 of them being between 12 and 25 years of age and 29 were minors. Medium- and long-term care for the injured would constitute a major challenge for Palestinian society. The trauma and depression suffered by them and their families would also need to be taken into account. Her organization urged the Commission to consider how an inquiry mechanism could be set up to establish responsibility for the injuries inflicted and to look into the possibility of creating a compensation fund for the victims.

44. Mr. AHMAD (World Muslim Congress), having pointed out that the origins of the Palestinian problem lay in the decisions taken soon after the end of the First World War and the subsequent League of Nations mandate, said that practically every human right of the Palestinian people in the occupied territories was currently being violated. Israeli Governments had gone back on their commitments under the Oslo Accords and the peace process had been brought to a standstill. Palestinian lands were hermetically sealed off by the Israeli Army and 3 million civilians were living under siege. The Palestinian economy had suffered losses of up to $2 billion and unemployment had soared to 50 per cent. Israel had withheld from the Palestinian Authority funds collected as customs duties.

45. Innocent Palestinians had been massacred by Israeli soldiers targeting the upper body of unarmed, stone-throwing youths. Nearly 400 Palestinians had been murdered since September 2000 and thousands had been handicapped for life. Israel's so-called security interests did not accommodate the existence of Palestinians. Areas were being cleared of their Palestinian residents and more Israeli settlements were planned. The 180 or so Jewish settlements built on occupied territory were illegal. The United Nations and the Commission had set in place the necessary legal measures to restore human rights in occupied Palestine. The challenge was to find ways and means of overcoming Israel's adamant inflexibility.

46. Mr. CASTRO (Organization of Solidarity of the Peoples of Africa, Asia and Latin America), speaking also on behalf of the Movimiento Cubano por la Paz y la Soberanía de los Pueblos, Federation of Cuban Women, Centro de Estudios Europeos and Centro de Estudios sobre la Juventud, said that the 50-year tragedy of a colonized people deprived of their goods and

resources and subjected to forced displacement continued without any solution in sight. The Palestinian people's right to self-determination and independence was unquestionable on historical, moral, legal and political grounds. Yet, while ethnic cleansing was condemned in other parts of the world, the Palestinian people were denied its right to exist as a nation and as an independent State. Israel, with support from the United States, used force and intimidation to flout the will of the international community as expressed in United Nations resolutions.

47. The organizations he was representing condemned United States policy in the region, which encouraged Israel not to implement United Nations resolutions while hypocritically alleging violations of human rights and international law as a pretext for launching barbaric acts of aggression against other, particularly Arab, States. The international community should require Israel to lift the restrictions on Palestinian access to Jerusalem immediately and to free all Palestinians and Arabs imprisoned for their national liberation struggle, in accordance with the Fourth Geneva Convention.

48. Lastly, the international community should denounce the possession by Israel of dangerous nuclear weapons and weapons of mass destruction, which constituted a threat to international peace and security.

49. Mr. GADIR (Arab Organization for Human Rights) said that, at each of its sessions, the Commission reiterated the hope that the situation in the occupied territories would improve. However, Israel's violations of international humanitarian law and of the Fourth Geneva Convention had become steadily more serious. Since the outset of the second intifada, Israel had been waging an undeclared war on innocent Palestinians using an arsenal of heavy weapons. Some 450 people had been killed and a further 20,000 wounded. The blockades had led to hunger among Palestinians, and repressive measures had even been imposed on Arab residents in Israel. The zone of pillage extended across Gaza, the West Bank and Jerusalem. Moreover, the headquarters of the Palestinian Authority had also become a target. The Palestinian people's determination to reject the 30-year occupation and associated humiliations had not, however, been broken.

50. The Government of Israel had been encouraged in its actions by the failure of the international community to impose appropriate sanctions and the situation was likely to deteriorate further. The Commission, for its part, should: strongly condemn Israel for its aggression against the Palestinian people; adopt the necessary protective measures to prevent a repetition of the Haram-al-Sharif massacre; and recommend a reconvening of the Conference of the High Contracting Parties to the Fourth Geneva Convention.

51. Ms. HOTER (Society for Threatened Peoples) expressed concern about the exacerbation of violence since the second intifada: 329 Palestinians - mostly civilians, including 90 children - had been killed, while many thousands more had been wounded. On the Israeli side, there had been 47 casualties. The Israeli security forces had used excessive force in response to Palestinian demonstrators - including live ammunition against stone-throwing children - and had carried out extrajudicial executions in violation of both Israeli and international law. The Commission must urge the Government of Israel to abide by its obligations under the Fourth Geneva Convention.

52. Ms. BRUSCA (North South XXI) said that the international community appeared incapable of ensuring that its resolutions were implemented and that international law was respected in the occupied territories. European States paid lip-service to the Palestinian cause while continuing to support Israel. She wondered whether the High Commissioner's decision not to seek a second term had been prompted by the failure on the part of Governments to comply with their human rights obligations and precipitated by political harassment on the part of the Israeli authorities during her visit to the area. The international community was constantly giving in to the political blackmail practised by Israel and its protector, the United States.

53. The Government of Israel acted with arrogance and impunity, convinced of the superiority of the Jewish people. The sole object of the war being waged was to replace Palestinian civilians with hundreds of thousands of settlers from all over the world. Increasingly, the Government of Israel sought not peace, but the subjugation of the Palestinian people, a trend confirmed by the recent election of Ariel Sharon with his odious past. How much longer would the crimes against humanity perpetrated by the Israeli leaders and the policy of racial discrimination followed by the Israeli occupation forces be tolerated and the United Nations remain paralysed?

54. Mr. MANSOURI (Europe-Third World Centre) said that his organization strongly denounced the economic, military and psychological pressures being inflicted on the Palestinian people. Palestinian hopes for peace had been dashed by the Government of Israel's continued refusal to implement United Nations resolutions. Certain Western Governments, international organizations and the media, having failed to make a proper analysis of the situation condemned both sides equally, thus placing the oppressed and the oppressor on an equal footing.

55. The children of the intifada were treated as terrorists by Israel and Israeli snipers were authorized to shoot them in the head. The fanaticism of Israeli settlers was likely to result in further massacres.

56. Israel continued to claim to be an underdog despite being a nuclear power and having the support of the United States and other Western States. It lost no opportunity, however, of demonstrating its supremacy and its determination to violate international law. The Commission should recommend that the Security Council send forces to protect the Palestinians from the Israeli army. The United Nations should also insist that the Government of Israel respect the relevant resolutions concerning the decolonization of the Palestinian territories.

57. Mr. AL-MAIMAN (Muslim World League) welcomed the reports of the High Commissioner and the Human Rights Inquiry Commission. Their findings were balanced and provided further confirmation that human rights in Palestinian territories were being violated. Regrettably however, certain United Nations mechanisms had failed to respond to the Commission's recommendations. The use of excessive force by the Israeli forces and their destruction of Palestinian property were of great concern to his organization, as was the increase in the numbers of children being killed. An international tribunal should be established as a matter of urgency to prosecute such crimes and the international community should condemn the collective punishment of the Palestinian people.

58. The Palestinian Authority and the Palestinian people wished to work in partnership with Israel, but Israeli arrogance stood in the way of a just peace. His organization called upon both parties to embark on unconditional negotiations with the participation of the United States. The Conference of the High Contracting Parties to the Fourth Geneva Convention should also be reconvened at the earliest opportunity.

59. Mr. WAREHAM (International Association against Torture) said that the hypocrisy which risked undermining the Commission's credibility had been clearly demonstrated in relation to the agenda item under discussion. The international community was once again confronted with an oppressed people flinging stones in challenge to a heavily armed, internationally supported opponent. In the current situation, however, there could be no "media blackout", no disingenuous claims by Western Governments that they did not know what was happening. The Commission had received evidence from irrefutable sources of the excessive use of force by the Israeli armed forces, their use of torture, and their imposition of closures and curfews which denied the Palestinian people their basic rights. The use of extrajudicial killings were also well documented. The failure on the part of Israel to respect human rights and international law - in particular the original partition agreement - called into question the legitimacy of the State of Israel itself.

60. In vetoing the draft resolution calling for an observer mission to protect Palestinian civilians in the Security Council that week, the United States delegation had termed it "unbalanced and unwise". His organization found it incredible that a "balanced" approach should be sought to the issue. Where was the balance when one side had rifles and the other stones, where one side suffered five times as many casualties as the other?

61. For its part, the Commission should: condemn the escalation of violence in the region resulting from Israel's violations of human rights and humanitarian law; ensure that the High Contracting Parties of the Fourth Geneva Convention took immediate steps to ensure that its provisions were respected; and call on the Security Council in general, and the United States in particular, to reconsider the vetoed draft resolution to establish an observer force.

62. Mr. FALK (Member of the Human Rights Inquiry Commission) said that the Inquiry Commission had been encouraged by the strong support voiced for its conclusions and recommendations (E/CN.4/2001/121). It had been faced with the challenge of conducting an objective inquiry in the absence of Israeli cooperation. It had, nonetheless, made great efforts to reflect fairly both Palestinian and Israeli perspectives and had leant over backwards to ascertain the best Israeli arguments on contested issues. A commitment to objectivity did not, however, imply a posture of "neutrality" and the Inquiry Commission had been able to reach some very firm conclusions. The Israeli Security Forces had used excessive and disproportionate force from the outset of the second intifada and the Israeli occupation and policies of response had resulted in an intolerable situation for the entire Palestinian population.

63. The Palestinian and Israeli people had been yearning for peace, and had suffered its absence for decades. However, during the Oslo process, a dangerous misapprehension had arisen that human rights and international law considerations could be put aside for the sake of the negotiations. In fact, such considerations constituted the prerequisite for durable peace and must inform the entire process.

on an emergency basis from 16 to 18 March 2001. His had visited Shamshatoo camp near Peshawar and interviewed some of the 170,000 people estimated to have crossed into Pakistan since mid-2000, but had been unable to visit Jalozai camp where the conditions of new refugees were said to be so desperate that it was described as a living graveyard. His visit had also been prompted by the recent call by the High Commissioner for Human Rights for an independent international inquiry into the massacres and other grave human rights violation committed by parties to the armed conflict in Afghanistan.

69. While in Pakistan he had met the Taliban Ambassador and had expressed his desire to visit Afghanistan to pursue inquiries into reports of killing of civilians. The Ambassador had indicated he could grant him a visa for Kabul but not other areas. He hoped, therefore, to be able to visit Kabul in the near future.

70. The direct testimony of the newly arrived refugees had confirmed the desperate situation in Afghanistan. There was clearly a prima facie basis for systematic investigations into reports of summary executions and massacres. Despite the agreement secured in November 2000 to initiate a process of dialogue under the Secretary-General's good offices, both parties had engaged in military operations that had resulted in a resumption of the conflict.

71. As noted in his report, all the warring parties were guilty of grave breaches of international humanitarian law. The war-making was supported by neighbouring and other States and non-State actors who provided weapons, training and advisory assistance. The arms provided had been directly implicated inter alia in aerial bombing of civilian targets, massacres of civilians, summary executions and torture. There were credible reports that Taliban forces had summarily executed ethnic Uzbek prisoners in May 2000 and there were eyewitness reports of executions and massacres in January 2001. A number of aid agency personnel and a United Nations staff member had reportedly been among those killed.

72. It was increasingly recognized that impunity and absence of accountability had contributed to the repetition of the violations, and that an effective international initiative was needed to hold to account those responsible for war crimes and human rights violations. International cooperation would be needed to develop mechanisms to undertake full investigation and to identify those responsible.

73. Over a half million Afghans had become displaced during 2000 and 2001, prompting new refugee flows into Pakistan and Iran. Pakistan had banned new arrivals, arguing that it simply could not cope. That had resulted in the suspension by regional authorities of the verification process commenced by the United Nations High Commissioner for Refugees (UNHCR) to determine those who were most in need of urgent assistance. It was necessary to appeal to the authorities to respect the internationally agreed principles of refugee protection in respect of the new arrivals.

74. After more than two decades of conflict, Afghanistan had some of the worst education indicators in the world and the impact of the armed conflict on the economic infrastructure had been devastating. The situation had been compounded by three years of severe drought. Close to a million people were estimated to be at risk.

75. As noted in the report, all segments of the Afghan population were united on the need for change. He drew attention to his observations in paragraphs 60-62 of the report stressing the need for coordinated moves at both the macro and micro levels. In the meantime, additional resources would have to be mobilized as a matter of urgency in order to save millions from starvation and to ensure that those fleeing were not treated inhumanely as had been the experience of many of the newly arrived refugees.

76. Mr. TANDAR (Observer for Afghanistan) said that all the war crimes referred to in the report were being committed by a militia group serving the ambitions of a neighbouring country, Pakistan. He would have more to say on the matter under other items. For the time being he would confine his comments to three points in the report: the need for greater clarity, what was not said and the paragraphs relating to political means of ending the conflict.

77. In the first place, while the report suggested that both parties shared responsibility for continuing the war, the examples cited showed that the Taliban were responsible for all the military offensives leading to the violations mentioned in the report. All United Nations attempts to organize discussions to find a political solution had failed due to the behaviour of the Taliban who had openly declared - though that was not mentioned in the report - that they would not cooperate with the Special Representative of the Secretary-General. The next report should therefore be more objective.

78. Secondly, the report said nothing about an element which directly affected the human rights situation in Afghanistan, namely, the presence of thousands of foreign - essentially Pakistani and Arab mercenaries belonging to the Bin Laden group - who participated directly in military operations, especially in the kidnapping of Afghan women. Those international brigades also trained other foreign extremists for destabilizing military operations in central Asia and elsewhere, most recently in Uzbekistan and Kyrgystan.

79. The issue of minority rights should also be emphasized, for it was clear that the Taliban were practising a policy of ethnic cleansing.

80. Thirdly, regarding the paragraphs concerning political matters and the proposal for action at the micro and macro level, he appealed for the extension of humanitarian assistance, noting that thousands were at risk. The United Nations should be the centre of any search for a political solution, based on the principles of democracy, the rule of law and the participation of all in the administration of the country. The report emphasized the need for the participation of Afghans inside and outside the country. His delegation fully agreed.

81. Afghanistan had a national participatory framework; it was called the Loya Jirga. If convened, the decisions of that assembly could lead to peace. He therefore urged the international community to support that principle and to help the Afghan people. Just as the Rapporteur proposed two levels of action, so there were two dimensions to the conflict - internal and external. The Loya Jirga would deal with the internal level.

82. As to the external level, involving foreign interference, if Pakistan respected the Security Council embargo on arms for the Taliban, the meeting of the Loya Jirga could achieve

fairly speedy results. However, if Pakistan continued to support the Taliban and to violate that resolution, the international community would have to use all appropriate measures at its disposal to compel Pakistan to cease its assistance.

83. Mr. BAUM (Special Rapporteur on the situation of human rights in the Sudan), reporting on the situation of human rights in that country, said that overall the year 2000 had been characterized by an improvement in several human rights-related areas; some opposition politicians had returned to the country and were able to express their views publicly.

84. One of the most serious matters raised related to arbitrary arrest and detention without judicial review. The state of emergency allowed the President to rule through provisional Acts, although they were subject to parliamentary approval. One such Act, amending the National Security Forces Act had extended the period of detention without review to six months, thus increasing the likelihood of human rights violations.

85. Government opponents faced a permanent threat to their fundamental freedoms and their political actions tended to be criminalized. On 6 December 2000, seven representatives of the opposing National Democratic Alliance had been arrested following a meeting with a United States diplomat. He had himself met those persons and had been informed that they had been detained for more than 100 days without legal assistance.

86. He had had intensive discussions with the Government on ways of controlling the security apparatus and making it accountable by prosecuting officers responsible for human rights abuses. He had strongly condemned the extension of the period of detention without judicial review and had addressed the recent clamp-down on members of the People's National Congress. He had not been allowed to meet Dr. Hassan al-Turabi. He had condemned the arrest of Dr. Nageed Nagmeldin el Toum, who provided free medical treatment for victims of torture and human rights violations.

87. The Minister of Justice had recently informed him that all the above-mentioned cases would be reconsidered. He acknowledged the Government's openness to discussing all the individual cases he had raised and the promptness of its replies. He would continue to monitor those cases and had agreed with the Government on a permanent exchange of relevant information.

88. While noting that political views were to some extent reflected publicly, he had been informed that freedom of the press had suffered from the backlash that had marked the end of 2000. Issues of concern which had been highlighted in previous reports had been reiterated and the situation of women had also been addressed, particularly in connection with provisional orders limiting their right to work.

89. Many violations were closely linked to the ongoing conflict and were perpetrated both by the Government and by the Sudan People's Liberation Movement/Army (SPLM/A). Such violations had continued, resulting inter alia in displacement, starvation, killing of civilians and abductions. He had been pleased to learn that the ICRC was working on training programmes on international humanitarian law for the army.

90. While the Government had distanced itself from abductions, he believed that it could do more in that regard by improved control of the tribal militia. He agreed that the practice of redeeming individuals by buying them back was not effective in fighting that phenomenon. The Committee for the Eradication of Abductions of Women and Children (CEAWC) played an important role in addressing the consequences of abductions. He welcomed the news, therefore, that the Government was to bolster that Committee's resources and authority.

91. The most blatant abuse of human rights by the Government was the indiscriminate bombing of civilians. He had been informed that the number of such incidents in southern Sudan had decreased in the past two months and that further steps had been taken to prevent such incidents.

92. Access to needy populations was occasionally denied, both by the Government and by SPLM/A.

93. He had gathered further evidence that oil exploitation had led to exacerbation of the conflict. He had been informed that the Government was forcibly evicting local population to allow oil operations to proceed unimpeded. On the other hand Government officials had informed him of the social benefits linked to the oil exploitation and said that the displaced individuals would be compensated. While the main responsibility for stopping those displacements lay with the parties to the conflict, he appealed to oil companies operating in Sudan to minimize the negative impact of their operations. He would continue to monitor the link between oil exploitation and human rights abuses.

94. He had been informed that genuine democratic structures were lacking in areas under the control of SPLM/A.

95. Throughout his discussions, all his counterparts had emphasized the need for peace. He therefore urged all parties to translate their wishes into action. All the international actors involved in the peace process should contribute to it.

96. Strengthening existing Sudanese institutions and civil society was a key element in democratization and he would watch with interest any developments relating to the Human Rights and Public Duties Committee of the National Assembly, the Constitutional Court, the Advisory Council for Human Rights and CEAWC. He urged the Government to consider establishing an independent national commission on human rights, to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to accede to the Convention on the Elimination of All Forms of Discrimination against Women. He had been assured that the process of examining those Conventions would be accelerated.

97. Mr. IBRAHIM (Observer for the Sudan) reaffirmed his Government's commitment to human rights and fundamental freedoms and to full cooperation with the Special Rapporteur and welcomed the positive remarks made by the Special Rapporteur, which he recapitulated and commented.

98. Turning to the main concerns voiced by the Special Rapporteur, he said that the amendment to the National Security Forces Act had been prompted by a terrorist act in

which 22 citizens had been killed while at prayer. The amendments were provisional and subject to the approval of Parliament. Moreover, the Constitutional Court could declare the amendment unconstitutional. Most of the individual cases raised by the Special Rapporteur were not human rights violations, since the individuals in question were facing criminal charges under the Penal Code. The trial of the seven individuals he had mentioned had already started. Islamic penal laws were based on freedom of religion. Southern Sudan was excluded from the application of those laws because a substantial percentage of the population there was non-Muslim.

99. The freedom of women in the Sudan was guaranteed. The Constitutional Court had suspended, soon after its promulgation, the Order concerning women working in certain fields. Consequently, the Special Rapporteur was not justified in reporting on limitations on the freedom of women.

100. Civilian casualties due to aerial bombing resulted from the rebels' use of civilian premises for military purposes. The Government had taken steps to decrease those incidents. The Government rarely denied flights to aircraft involved in Operation Lifeline Sudan and then only because of security considerations. The real problems were caused by the rebels diverting food, imposing fees and taking hostages.

101. Oil exploitation had enabled more people to enjoy the right to food, housing, health and freedom of movement. Acquisition of land, in exchange for compensation, for the purpose of economic activities was governed by an Act promulgated in 1930, long before the Sudan became independent. People travelled a long way to live in the oil exploration areas. It was not fair for the Special Rapporteur to comment without first visiting the area. He was welcome to do so at any time.

102. His delegation was not claiming that the Sudan was free from human rights concerns, but merely refuting those that were unfounded. There were national institutions to remedy any genuine cases. Moreover, the violations were taking place within the context of a conflict which had been imposed on his Government and which it was eager to end.

The meeting rose at 6.15 p.m.